In mediately dismissed or suspended." Signed by—

J. B. Sattersthwaite, V. P. Edwin Bartlett,
New York Ins. Co.
A. B. Neil on, President Sun
Mutual Ins. Co.
Walter It. Jones, Prest. Atlautic Mut. Ins. Co.
John T. Fuppan, V. Prest.
Union Mutual Ins. Co.
John Walker, Prest. Mercantile Mut. Ins. Co.
Chas. H. Marshall,
Howland & Aspinwall,
Davis, Brooks, & Co.
Andrew Foster & Sons,
Fox & Livingson,
E. D. Hurlbut & Co.
Taylor & Merrill,
Booner, Grave , & Co.
P. Harmony & Nephews,
Frederick A. Delano,
Alsop & Chauncey,
Taylor & Ritch,
Richardson, Watson, & Co.
The Intelligencer introduced the foregoing memorial,

CITY OF WASHINGTON, SUNDAY MORNING, DECEMBER 23, 1849.

or, indeed, without having time to

such and pain paper now as Rich painted candicibras A large assortment of girandoles Rich and low-priced vasses, almost holders! Pinted and other candicaticks, cake backets Britannia tea and coffee sets, waiters and is Ivory-handled knives, knives and forks,

GLASSWARE

Poed—Jawaw

Opposite Brown's Hotel.

PRESH Cloths. Cassimeres, and Vestings.—Gentlemen in want of suns of clothes made to order, in an elegant and fash invant of suns of clothes made to order, in an elegant and fash incable style, can now be certainly suited by calling on its, having this sky opened, direct front the importers, an extensive stock of the finest and most celebrated make, and certainly at such very reduced figures as will, we think, must a sale. Any garment ordered will be ready at a day or two's notice, and a satisfactory fit slavays quantited. Also, just received, a cheap and well-assorted supply of gondenica's merino shirts and drawers; merino and lambswood, with a cassimate of the supply of gondenica's merino shirts and drawers; merino and lambswood works; kid, cachinare, and merino glovers, lack slik and fancy satin cravate; salk and insensanbirch handkerchines, suspenders, &c.

We would respectfully solicit a call from members of Congress, trangers, and the citizens of Weshington generally. TCHLLI., Between 5th and 9th streets, Fennsylvania avenue.

Dec 5—Sawasif

A. COYLE & SON.

M. P. R. LABBE has the honor to announce to the citizens of M. Washington and Georgetown, that his dancing zerood will reopen on Tuesday, 12th of Novessber, at his residence, on Fennsylva. Examine, opposite Willards Hotel.

Days of tuition i Washington—Tuesdays, Thursdays, and Saturdays; Georgetown—Mondays and Fridays.

P. S.—Mr. L. will commence in Georgetown on Monday, 26th November, at Temperatice Hall, on Bridge street.

(Late of Warrenton, North Carolina.)
GENERAL COMMISSION MERCHANT No. 28 Gravier street, N. O. REFERENCES. -- Hon. J. R. J. Deniel, Hon. A. W. Venable, Nov. 32 - 3m

Power of Consuls to remove Merchant Captains; or, an examination into the legality and propriety of the conduct of Gorhan Parks, say, late United States Consul in Rio de Inneiro, in the vemoval of the captains of the ships "Pacific" and "Xylon," and of the schooners "Friendship" and "Sacrumento."

The National Intelligencer, of about the middle of June last, published a memorial addressed to the President of the United States, and signed by a number of highly respectable gentlemen of New York, the material portions of which are the following:

"The undersigned, merchants, ship-owners, underwitters, and others interested in the commerce of the United States, tespectfully beginger to early your attention to the course pursued by Garham Parks, consul of the United States est Rio Juneiro.

"It appears he has assumed and exercised the power of

positive evils proceeding from the master's unbused delinquency.

"I may be showed to add, there, acting according to the above conclusions, and being in all eases mindful to obtain clear evidence of a master's disqualification, and of the urgent need of consultar interference. I have not incurrent disapprobation in any instance of removing a ship-master from his vessel.

"Believe me, my dear sir, yours very sincerely, "ROBERT HESKETH."

When it is considered that the powers given to consuls by our statutes are similar to those conferred by the written law of England, that British courts, no less than our own, have decided that consuls possess no judicial authority (I Kent, 42;) and when it is further remembered that England is the source of all our common law, and that the origin of this law is traceable alone to precedent, the foregoing note of Consul Hesketh has a most important bearing upon the legal point in this case, especially when taken in connexion with the ninth section of our

Since 1813, Mr. Hesketh has been occasionally called upon to remove merchant captains. His only authority to do so has been precedent, and his only justification the circumstances attending each case. Her commerce is too dear to Great Britain, the commercial influence in England is too potent, to admit, for a moment of the supposition that any man would be continued in office for thirty-seven years who was in the habit of violating her laws, or whose measures had a tendency to dry up the great fountain of her prosperity.

The custom of England upon this subject might be considered conclusive; but it has been thought proper to advance one step further, and furnish evidence from the second commercial power of Europe. Theodore Thunay, esq., chancellor of the French legation, and who has been consul of France in Rio de Janeiro for some twenty-odd years, adds his testimony, at the conclusion of the foregoing note of Mr. Hesketh, in the following language:

"I outively concur in the opinion expressed by Robert Hesketh, esq., British consul in Rio de Janeiro, in his letter to Mr. Parks, touching the propriety of consuls exercising the power of dismissing merchant captains, and the nature of the law or usage which recognises that power.

"Th. TAUNAX,
"Consul and Chancellor of the Fronch Legation "meat the court of Brazil.

of dismissal he has uttered not a nummur. He has wellcomed the new incumbent with every mark of frieness,
and respect, and has expressed gratification at having
been succeeded by so distinguished a gentleman as Good
error Kent.

The friends of Mr. Parks are unwilling, however, that
its removal shall be ascribed to improper conduct, even
by innuendo; and one of them would consider himself
unmindful of the obligations imposed by a sense of duty
unmindful of the obligations imposed by a sense of duty
with his reach to make manifest to the public that he
action complained of by the respectable gentlemen a disminsel from office, was not only legal and proper, but
such as should elicit encondums from all just men.

The high reputation for intelligence and probity enjoyed by the New York memorialists, at once entitles
the grounds of their complaint to a respectful investigation, and preckedes the supposition that their action was
dictated by other than proper considerations. The most
are, the more acute will be the pain they must experience,
upon being convinced that they have
through want of information, pronounced conduct lifest
which was strictly legal—and that, owing to false representations, they have declared "arbitrary" and "sun't are only a sailed the official reputation of he legal advisor,
and under the recommendation of he legal advisor,
through the same contended that they have
through want of information, pronounced conduct lifest
which was strictly legal—and that, owing to false representations, they have declared "arbitrary" and "sun't as a special parties had had an opportunity of laying evidence before him, if they had any to produce.

In treating the subject, two points will present themselves—

and much the recommendation of the significant production of the property of the county of the count

ence of ardent spirits, and certainly at times has acted like an insane man. His conduct has been such at times as to cause me to fear for the safety of the ship and the lives of the passengers. I do not think he ought to be intrusted with the charge and management of the ship from Rio de Janeiro to San Francisco."

Dr. J. D. B. Stillman, likewise a passenger, also testified in this case; and after mentioning the grievances under which the passengers long patiently suffered, proceeded to say:

"At length a meeting was called, and a respectful remonstrance was drawn up and presented. I was below when it was presented, and hearing a confusion, ran upon deck, and heard the following, (from Capitain T. 1) 'You may go to hell with your papers. I'll be dammed, but I'll be master of my own ship. I do not want any man to teach me my duty. I'll put the ship under double reefed topsails. There are provisions for all years on board. You shall have took

Of the treatment received by the passengers, a slight idea may be formed by the selection of two instances. It seems by several depositions that Mr. Pratt, a cabin passenger, became intoxicated on lique sold to him by one of the inferior officers of the ship. Thereupon the captain told Pratt he was "always drunk," when the latter rejoined by telling the former that he "lied," and then took place what is related as follows by the agent of the supercrace:

drink. This occurred within a few days' sail of this port. This where produced violent diarrhora on several of the passengers."

That Mr. Parks would have been authorized to remove the master of the Xyion on the application of the agent of the supercargo, and of the confidential agent of the owners, who was also surgeon of the ship, without regard to the causes which gave rise to the application, probably does not admit of a great deal of doubt.

In the second volume of the Merchants' Magazine, February, 1840, page 159, there is reported the case of the schooner Industry, which sailed from Quebee for Montego bay. At the latter place the supercargo discharged the master. In a suit for the recovery of the insurance, one point made by the underwriters was, that the supercargo had no right to discharge the original master. It was by mutual consent referred to Chancellor Kent of New York, and Sir J. Campbell, the Queen's Attorney General, and the opinion given by each was, that the supercargo had a right, as the representative of the owners of the vessel, to change the master.

But to leave no room for doubt, Mr. Parks, entered into a thorough investigation of the facts in the presence of the American minister, from whom he received the following advice:

"Leoation United States."

"Rio de Janeiro, April 2, 1849.

therefore my opinion that you consulted not only the lates est of the owners and underwriters, but much higher lates ests than either of them—the interests of humanity—in a moving from their respective commands the masters, Tibbits and Brown."

Such is but a glance at the two cases of removal of which complaint was made by the respectable memorialists of New York. It is no less a pleasure to the writes than a duty to them to reiterate here that their signatures were inadvertently placed to the memorial, in the absence of a preper knowledge of the facts.

And now, that the public may be in possession of Mr. Parks's entire action in the matter of removals, it to thought proper to introduce the only two additional cases in which he has ever exercised the power of dismissing a master of a vessel.

The "Friendship."

under his command. Therefore we pray you will gave your petitioners a hearing."

While Mr. Parks was in the act of taking testimony in this case, an agent of the owners of the Friendship arrived in a steamer from the United States, and unexpectedly found the schooner in the port of Rio. This gentleman, as soon as he became familiar with the facts, addressed the following note to Mr. Parks:

"Rio de Janetto, June 14, 1849.

"Sir: I, the agent of the owners of the schooner Friendship, now lying in this harbor, hereby request you to remove T. O. Paine from her command; and intending to take this, I exhibit to you a power of attorney from the owners, a copy of which I leave with you.

"CHARLES BISHOP."

The appared extract is from the power of attorney re-

The annaxed extract is from the sower of a ferred to by Mr. Bishop:

"Know all men by these presents: That we, owners of the schooner Friendship,"
constitute and appoint Charles Bishop, who is joint-owners of said schooner to be our true, and iawful attormey, for us and in our names, a use and benefit, to take possession of the said wherever she may be found, and to discharge master and officers, and crew thereof, or any on of the same, and to appoint and employ other

petent captain to remain in command? Surely not. Yet according to the doctrine of those who deny the power of consuls to remove merchant captains, the besoited Pains must have remained in the position of master and guardian of American citizens and American property but for the accidental arrival of the agent Bishop. What position could be more revolting to common sense!

The only additional removal made by Mr. Parks was in the instance of

The only additional removal mane by the interest of the instance of The "Sacramento."

For ever having heard of this case, the public is indebted to the proceedings of what was styled a meeting of American ship-masters. Several metchant captains in the exercise of a perfect right, met in a tavern at Rio, for the purpose of expounding maritime law, and of defining the powers of consuls, and the relations existing between supercargoes and matters; and, after due deliberation, they overruled the opinions of Chancellor Kas and Sir J. Campbell, the Queen's Atterney General, and denounced Mr. Parks for having been governed by said poor authority. By a special resolution, the meeting considerately ordered its decision to be forwarded to the Attorney General of the United States, who, although a the front rank of his profession, was thereby made in the front rank of his profession, was thereby made in the books. Those individuals went one sice furth the books. Those individuals went one sice furth than the honorable and intelligent memorialists of New York would be disposed to follow. They not only contended that consuls had no legal power to remove maters of vessels, but decided that the duly authorized agents of the owners possessed no such right. But, be fore proceeding with the subject, it is but justice to it great mass of the sensible and highly respectable mechant captains in the Rio trade, to say that they neith participated in, nor approved of, the proceedings of the meeting.

In May last, the schooner Sacramento reached P from New Orleans, on her way to California. On the following note was placed in the hands Mr. Parks:

"Pears if As agent for John Egerton, e.g., the owners and other sacramento, now lying in the content of the sacraments."